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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,106	05/31/2006	Gregory J. Strack	11694/04439	2081
27483 7590 05/10/2010 CALFEE, HALTER & GRISWOLD, LLP 800 SUPERIOR AVENUE SUITE 1400 CLEVELAND, OH 44114				
EXAMINER LAMB, BRENDA A				
ART UNIT		PAPER NUMBER		
1713				
NOTIFICATION DATE		DELIVERY MODE		
05/10/2010		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ipdocket@calfee.com  
dcunin@calfee.com

### Office Action Summary

**Application No.**

10/596,106

**Applicant(s)**

STRACK ET AL.

**Examiner**

Brenda A. Lamb

**Art Unit**

1792

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 2/1/2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 10-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/CD)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

Applicant's election without traverse of Group I in the reply filed on 2/1/2010 is acknowledged.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1 and 4-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Katagiri et al 6,585,824.

Katagiri et al teaches the design of a material application system which is comprised of the following elements: a plurality of material application system components including at least a material application device 38 for applying a material to a part and a supply of material for the application device arranged therein, a wireless identification device 50, the wireless identification device being associated with at least one of said system components, and a sensor for receiving information from said wireless identification device (see column 4 lines 10-24). Katagiri et al teaches every structural element of the claimed material application system as set forth in claim 1. With respect to claim 4, Katagiri et al teaches the wireless identification device comprises an RFID device. With respect to claim 5, Katagiri et al teaches the wireless identification device is associated with a wear item of the material application system.

Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katagiri et al 6,585,824.

Katagiri et al is applied for the reasons noted above but fails to teach the sensor is part of a hand held device. However, it would have been obvious to one of ordinary skill in the art to arrange the Katagiri et al bar code reader such that it is hand held since hand held bar code reader are known and obvious to do so to increase the flexibility in use of the bar code reader. With respect to claims 7-8, Katagiri et al teaches information stored by its wireless identification device includes information regarding the coating head but fails to teach the information includes original manufacturer information and part identification. However, it would have been prima facie obvious to store information

includes original manufacturer information and part identification on its wireless identification device for the obvious reason to facilitate maintenance.

Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Coulibaly et al 6,296.708.

Coulibaly et al teaches the design of a material application system which is comprised of the following elements: a plurality of material application system components including at least a material application device for applying a material to a part which includes a powder spray gun and a supply of material for the application device, a wireless identification device, the wireless identification device being associated with at least one of said system components, and a sensor for receiving information from said wireless identification device (see column 9 line 64 to column 10 line 17). Coulibaly et al teaches every structural element of the claimed material application system as set forth in claims 1-3. With respect to claim 4, Coulibaly et al teaches the wireless identification device comprises an RFID device. With respect to claim 5, Coulibaly et al teaches the wireless identification device is associated with a wear item of the material application system.

Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coulibaly et al 6,296.708.

Coulibaly et al is applied for the reasons noted above but fails to teach the sensor is part of a hand held device. However, it would have been obvious to one of ordinary skill in the art to arrange the Coulibaly et al bar code reader such that it is hand held since hand held bar code reader are known and obvious to do so to increase the

flexibility in use of the bar code reader. With respect to claims 6-8, Coulibaly et al teaches information stored by its wireless identification device includes information regarding the coating head but fails to teach the information includes original manufacturer information and part identification and the wear part within the scope of claim 6. However, it would have been prima facie obvious to store information includes original manufacturer information and part identification on Coulibaly et al wireless identification device and include this information on Coulibaly et al wear parts within the scope of claim 6 for the obvious reason to facilitate maintenance.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda A. Lamb whose telephone number is (571) 272-1231. The examiner can normally be reached on Wednesday-Friday and on alternate Mondays and Tuesdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine Norton, can be reached on (571) 272-1465. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Art Unit: 1792

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Brenda A Lamb  
Primary Examiner  
Art Unit 1792

/Brenda A Lamb/

Primary Examiner, Art Unit 1792